

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA

Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,  
et al.,

(Jointly Administered)

Debtors.<sup>1</sup>

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ORDER DENYING (I) MOTION TO PROCEED IN FORMA PAUPERIS; (II) MOTION TO INTERVENE AND REQUESTING DECLARATORY JUDGMENT; AND (III) MOTION FOR DISQUALIFICATION OF VARIOUS MEMBERS OF THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD

On June 13, 2017, Angel Ruiz Rivera (the “Movant”), filed a (i) *Motion to Proceed in Forma Pauperis* (the “IFP Motion”), (ii) *Motion to Intervene and Requesting Declaratory Judgment* (the “Motion to Intervene”), and (iii) *Motion for Disqualification of Various Members of the Financial Oversight and Management Board* (the “Disqualification Motion”). (Docket Entry Nos. 320, 321 and 322.)

The Financial Oversight and Management Board for Puerto Rico (the “Board”) was established pursuant to the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”). On May 3, 2017, the Board, as representative of the Commonwealth, commenced the above-captioned Title III proceeding (the “Title III Proceeding”). Case No. 17-BK-3283-LTS, Docket Entry No. 1 (D.P.R. May 3, 2017).

Title I of PROMESA provides that only the President of the United States may remove a member of the Board for cause. See 48 U.S.C. § 101(e)(5)(B). As such, the Court does not have the statutory authority to remove any members of the Board. The Disqualification Motion is denied for failure to state a claim for which relief can be granted.

With respect to the Motion to Intervene, Movant has not identified a pending Title III

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); and (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284) (Last Four Digits of Federal Tax ID: 8474).

Proceeding in which he seeks to intervene. Therefore, the Motion to Intervene is denied for failure to state a claim upon which relief can be granted.

28 U.S.C. § 1915(e)(2)(B)(ii) provides that “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that — the action . . . fails to state a claim for which relief may be granted . . . .” As explained above, the Disqualification Motion and the Motion to Intervene each fail to state a claim for which relief can be granted. As such, the IFP Motion is denied as moot.

This Order resolves docket entry nos. 320, 321 and 322.

SO ORDERED.

Dated: June 16, 2017

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge